

REMARKS

Reconsideration and allowance of the subject application are respectfully requested.

We first thank the Examiner for the courtesies extended to Applicant's representative during the telephone interview on August 10, 2006. In brief summary, during the interview the July 16, 2006 Office Action was discussed, and general agreement was reached. In particular, in response to the Examiner's rejection of the claims citing prior art (in particular, the primary reference Green et al.), we agreed to amend independent claim 12. The amendment as discussed appears above, and further explanation is given below.

By the above amendments, we have revised claim 12 to clarify the invention. Claim 12 specifies that the detachable one-piece upper handle shell that is positioned to cover at least substantially the handle portion on the user side, extends below at least substantially the foot portion. Support for this amendment is found throughout the specification, including page 2, lines 1-8, page 4, lines 26-29, Figure 1 and Figure 2.

No new matter is introduced by this revision to claim 12, and entry is requested. By entry of this amendment, claims 12-23 will still be pending.

As per the July 17, 2006 Office Action, the Examiner accepted the replacement Figure 1 submitted with our last Amendment, and accepted the revision to the specification.

However, claims 12-16, 19, 20 and 23 are rejected under 35 U.S.C. §102(b) as anticipated by Green et al. (U.S. Patent No. 3,844,360). In addition, claim 17 is rejected under 35 U.S.C. §103(a) as obvious over Green et al. (U.S. Patent No. 3,844,360) in view of Lowe et al. (U.S. Patent 5,738,064). Claim 18 is rejected under 35 U.S.C. §103(a) as obvious over Green et al. (U.S. Patent No. 3,844,360) in view of Wu (U.S. Patent 5,551,157). Claims 21-22 are rejected under 35 U.S.C. §103(a) as obvious over Green et al. (U.S. Patent No. 3,844,360) in view of Nagashima et al. (U.S. Patent 4,654,970).

Claim 12 requires "a foot portion for receiving the foot of the user when the hand-operated tool is started and positioned on a bottom side of the handle". As described in

our specification on page 3 lines 29-30, “during the rapid pulling of the traction rope the user can step on foot section 3 with his body weight and fix the chain saw on the ground in this matter.” Claim 12 as now amended also requires “a detachable one-piece upper handle shell that is positioned to cover at least substantially the handle portion on the user side and extends below at least substantially the foot portion”. By this language, we have stated affirmatively that the detachable handle shell 8 extends to the portion underneath the foot portion 3. As discussed with the Examiner, this amendment distinguishes our invention from the primary reference Green on the basis that Green’s cover 26 does not extend below the handle portion 20a, which handle portion 20a the Examiner has suggested is the equivalent of our foot portion. In Green, the cover 26 only extends as far down as the top end of handle portion 20a and actually connects with a downward curve 24 of the handle at the rear of the rearward hand grip portion to assist an operator in properly positioning his hand by feel. (See Green, column 3, lines 26-68).

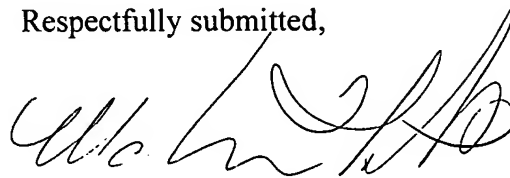
As described in our specification, a novel feature of our hand-operated tool is a detachable one-piece upper handle shell covering part of the handle portion and the foot portion underneath, where dirt might otherwise penetrate the handle or foot portion. The primary reference Green—the main basis of all the art rejections—does not teach what is required by our claim 12: “a foot portion for receiving the foot of the user when the hand-operated tool is started and positioned on a bottom side of the handle”, and “a detachable one-piece upper handle shell that is positioned to cover at least substantially the handle portion on the user side and extends below at least substantially the foot portion”. None of the secondary references make up for the deficiency of Green. Not only are neither of these features referred to by any of the references, but the combination of them as used together in our invention is certainly not taught or even alluded to as desirable. Withdrawal of these art rejections is therefore believed to be in order.

All of the Examiner’s outstanding objections and rejections have been addressed, and the application is believed to be in allowable form. Notice to that effect is earnestly solicited. No amendment made was related to the statutory requirements of patentability unless expressly stated herein, and no amendment made was for the purpose of narrowing

the scope of any claim unless we argued above that such amendment was made to distinguish over a particular reference or combination of references.

If the Examiner has any questions or would like to make suggestions as to claim language, he is encouraged to contact Marlana K. Titus at (301) 977-7227.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Marlana K. Titus', written in a cursive style.

Marlana K. Titus  
Nash & Titus, LLC  
Reg. No. 35,843

Nash & Titus, LLC  
6005 Riggs Road  
Laytonsville, MD 20882  
(301) 977-7227